

1 **BY AUTHORITY**

2 ORDINANCE NO. \_\_\_\_\_  
3 SERIES OF 2015

COUNCIL BILL NO. 15-0777  
COMMITTEE OF REFERENCE:  
4 Governance and Charter Review

5 **A BILL**

6  
7 For an ordinance amending Section 38-132, Denver Revised Municipal Code regarding  
8 the regulation of panhandling.  
9

10 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

11  
12 **Section 1.** That section 38-132, D.R.M.C. shall be amended by deleting the language stricken  
13 and adding the language underlined, to read as follows:

14 **Sec. 38-132. - Panhandling.**

15 (a) *Definitions.* For the purpose of this section:

16  
17 (1) *Aggressive panhandling* shall mean:

- 18  
19 ~~a. Continuing to solicit from a person after the person has given a negative response~~  
20 ~~to such soliciting;~~
- 21  
22 b.a. Intentionally touching or causing physical contact with another person without  
23 that person's consent in the course of soliciting;
- 24  
25 e.b. Intentionally blocking or interfering with the safe or free passage of a  
26 pedestrian or vehicle by any means, including unreasonably causing a pedestrian or  
27 vehicle operator to take evasive action to avoid physical contact;
- 28  
29 d.c. Using violent or threatening gestures toward a person solicited;
- 30  
31 ~~b. Persisting in closely following or approaching the person being solicited, with the~~  
32 ~~intent of asking that person for money or other things of value, after the person~~  
33 ~~solicited has been solicited and informed the solicitor by words or conduct that such~~  
34 ~~person does not want to be solicited or does not want to give money or anything of~~  
35 ~~value to the solicitor;~~
- 36  
37 f.d. Using profane or abusive language which is likely to provoke an immediate  
38 violent reaction from the person being solicited;
- 39

1 ~~e. Soliciting money from anyone who is waiting in line for tickets, for entry to a~~  
2 ~~building, or for another purpose.~~

3  
4 ~~h.e.~~ Approaching or following a person for solicitation as part of a group of two (2) or  
5 more persons, in a manner and with conduct, words, or gestures intended or likely to  
6 cause a reasonable person to fear imminent bodily harm or damage to or loss of property  
7 or otherwise to be intimidated into giving money or other thing of value.  
8

9  
10 (2) *Soliciting or Panhandling* for purposes of this section are interchangeable and  
11 mean any solicitation made in person requesting an immediate donation of money.  
12 Purchase of an item for an amount far exceeding its value, under circumstances where  
13 a reasonable person would understand that the purchase is in substance a donation, is  
14 a donation for the purpose of this chapter. Panhandling does not include passively  
15 standing or sitting with a sign or other indication that one is seeking donations, without  
16 addressing any solicitation to any specific person other than in response to an inquiry  
17 by that person.  
18

19 (3) *Public place* shall mean a place to which the public or a substantial group of  
20 persons has access, including but not limited to any street, sidewalk, highway, parking  
21 lot, plaza, transportation facility, school, place of amusement, park, or playground.  
22

23 ~~(4) *Financial institution* shall mean any bank, industrial bank, credit union, or savings~~  
24 ~~and loan as defined in Title 11 of the Colorado Revised Statutes.~~

25  
26 ~~(5) *Automated teller machine* shall mean a device, linked to a financial institution's~~  
27 ~~account record which is able to carry out transactions, including, but not limited to:~~  
28 ~~account transfers, deposits, cash withdrawals, balance inquiries, and mortgage and~~  
29 ~~loan payments.~~

30  
31 ~~(6) *Automated teller machine facility* shall mean the area comprised of one (1) or more~~  
32 ~~automatic teller machines, and any adjacent space which is made available to banking~~  
33 ~~customers after regular banking hours.~~

34  
35 (b) *Prohibited acts.*

36  
37 (1) No person shall engage in aggressive panhandling in any public place.

38  
39 (2) No person shall panhandle on private or residential property after having been  
40 asked to leave or refrain from panhandling by the owner or other person lawfully in  
41 possession of such property.  
42

1 ~~(3) No person shall panhandle within twenty feet of public toilets.~~

2  
3 ~~(4) No person shall panhandle within twenty (20) feet of any automated teller~~  
4 ~~machine. Provided, however, that when an automated teller machine is located~~  
5 ~~within an automated teller machine facility, such distance shall be measured from~~  
6 ~~the entrance or exit of the facility.~~

7  
8 ~~(5)(3) No person shall solicit from any operator or occupant of a motor vehicle on a~~  
9 ~~public street in exchange for blocking, occupying, or reserving a public parking~~  
10 ~~space, or directing the operator or occupant to a public parking space.~~

11  
12 ~~(6) No person shall panhandle in any public transportation vehicle, or within twenty~~  
13 ~~(20) feet of any bus, train, or light-rail station or stop, or within the bus transit lane~~  
14 ~~on the 16th Street Mall, or in any public parking lot or structure.~~

15  
16 ~~(7) No person shall panhandle within six (6) feet of an entrance to a building.~~

17  
18 ~~(8) No person shall panhandle within twenty (20) feet of any pay telephone, provided~~  
19 ~~that when a pay telephone is located within a telephone booth or other facility,~~  
20 ~~such distance shall be measured from the entrance or exit of the telephone booth~~  
21 ~~or facility.~~

22  
23 ~~(9) No person shall solicit or panhandle after dark, which shall mean one-half hour~~  
24 ~~after sunset until one-half hour before sunrise.~~

25  
26 ~~(10) No person shall solicit or panhandle within twenty (20) feet of any outdoor patio~~  
27 ~~where food or drink are served.~~

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31  
32 **[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]**

1 COMMITTEE APPROVAL DATE: October 20, 2015  
2 MAYOR-COUNCIL DATE: October 27, 2015.

3 PASSED BY THE COUNCIL \_\_\_\_\_ 2015  
4 \_\_\_\_\_ - PRESIDENT

5 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_ 2015

6 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
7 EX-OFFICIO CLERK OF THE  
8 CITY AND COUNTY OF DENVER

9 NOTICE PUBLISHED IN THE DAILY JOURNAL \_\_\_\_\_ 2015; \_\_\_\_\_ 2015

10  
11 PREPARED BY: Chad Sublet, Assistant City Attorney; Director of Prosecution and Code  
12 Enforcement Section; DATE: October 29, 2015

13 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the  
14 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed  
15 ordinance. The proposed ordinance **is not** submitted to the City Council for approval pursuant to §  
16 3.2.6 of the Charter.

17 D. Scott Martinez, City Attorney

18 BY: \_\_\_\_\_, Assistant City Attorney      DATE: \_\_\_\_\_  
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20  
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